

REMARKS

In response to the Examiner's rejection of claims 1-4, 6-8 and 10-13 under 35 U.S.C. §112 for being indefinite, applicant has amended the claims along the lines suggested by the Examiner and has amended claim 1 to define applicants balloon more specifically over the prior art cited and has added new claims 16-25 to define applicants balloon more specifically over the prior art cited.

The Examiner's rejection of claims 1 and 12-15 for being anticipated by the Acquarulo et al., Published Application US 2003/0229184, and more specifically, the parent application PCT/US00/31174, filed November 13, 2000 (WO 01/34685, published May 17, 2001 and claiming priority from provisional application 60/164,589, filed November 10, 1999, as this rejection may be attempted to be applied to the amended and new claims is respectfully traversed.

In support of this traverse, applicant is submitting a PTO form 1449 and a copy of WO 01/34685, the actual reference cited by the Examiner. Assuming this submission may be considered an Information Disclosure Statement, applicant's attorney certifies that this reference was discovered less than three months ago, namely after its citation by the Examiner in the Examiner's Action mailed June 4, 2004.

A study of WO 01/34685, shows that while it calls for a nano clay in an amount 1% to 10% by weight in a matrix, it also clearly calls for a crosslinking promoter at a level of about 0.5 to 10% by weight in the matrix.

The crosslinking promoter is preferably triallysocysanurate or triallycyanurate. Further the matrix is preferably irradiated with from 5 to 20 megarads.

In contradistinction and as brought out in the amended and new claims, applicant's balloon does not include a crosslinking promoter and is not irradiated. This is brought out in amended claim 1 where it is stated that said balloon comprises:

"a nano-composite reinforced polymer matrix consisting essentially of a polymer and a nano composite selected from carbon nano-tubes, a nano clay or nano-ceramic fibers together with a small amount of lubricant to aid dispersion of the nanocomposite during blending of the matrix , said polymer and nano composite matrix having been formed by controlling the volume or weight percent of nano

composite in the matrix relative to the polymer such that the nano composite is between 0.20% and 20% by weight of the matrix and the polymer is between 80 % and 99.80% of the matrix, by controlling the 'wetting' of the nano composite in the matrix; and by controlling the orientation of the nano composite within the matrix."

Support for these amendments is found at page 7, lines 1-8 and page 8, lines 13-28.

Applicant submits that as so amended, claim 1 and the claims 2-24 dependent thereon are clear of WO 01/34685 and otherwise in condition for allowance.

New claim 25 defines the balloon in relation to its formation which type of formation is different than and not disclosed in WO 01/34685.

Namely, claim 25 calls for a balloon:

"comprising a nano-composite reinforced polymer matrix including a polymer and a nano composite selected from carbon nano-tubes, a nano clay or nano-ceramic fibers, said polymer and nano composite matrix having been formed by dispersing the selected nano composite in the matrix with a small amount of lubricant during melt compounding of the matrix followed by extruding a tube and then blow molding the balloon."

Support for this claim is found at page 9, lines 14-19 (the 2nd full paragraph on page 9) and other parts of the specification where the use of polyethelene oxide as a lubricant (page 8) and blow molding of balloons (top of page 9) are described.

Applicant's attorney has checked all the amended and added claims and finds that the subject matter therein is supported by the specification and certifies that these claims do not contain any new matter.

With respect to the rejection of claims 1-15 under 35 USC § 102(e) for being anticipated by published US Patent Application US 2003/00655355, applicant is submitting an amended and corrected Declaration by Mr. Oscar Jimenez, the inventor herein, under Rule 131, wherein the place of the reduction to practice is set forth. Further, full Exhibits are attached, which applicant requests be preserved in the file wrapper.

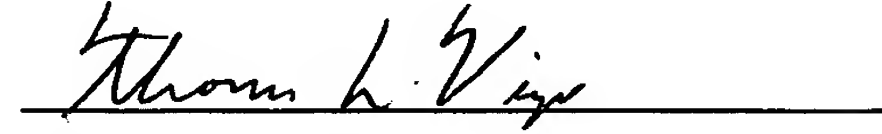
Applicant submits that, upon entry and reconsideration of the corrected and amended Declaration, it will be found to be sufficient to have US 2003/00655355 removed as a citable reference.

An earnest endeavor has been made to place this application in condition for allowance, and an early and favorable action to that end is requested.

Respectfully submitted,

October 4, 2004

Date

A handwritten signature in dark ink, appearing to read "Thomas R. Vigil", is written over a horizontal line.

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